

REMARKS/ARGUMENTS

Status of the Claims

In the Office Action mailed January 10, 2006, claims 1-22 are pending. Claims 1-22 were rejected. The rejection is respectfully traversed. Without conceding the propriety of the rejection, claims 1, 5-6, 8-9, 12, 19 and 21 have been amended. Claim 4 has been cancelled without prejudice or disclaimer and the subject matter has been incorporated into claim 1. No new matter has been added. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein.

The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

Claim Rejections – 35. U.S.C. §102(b)

Claims 1-3 and 12-18

Claims 1-3 and 12-18 are rejected under 35. U.S.C. §102(b) as being anticipated over EP 139 289 to EI Dupont de Nemours (hereinafter referred to as "Barrett"). To anticipate a claim, a single prior art reference must expressly or inherently disclose each and every element of the claimed invention. MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987)). Applicants respectfully submit that Barrett fails to meet this standard.

Claim 1

Claim 1 recites, “a bottom support having threads to releasably mate with the handle wherein the flange is configured to mate with the opened end and the hold down ring and the sealing ring are disposed between the bottom support, the flange and the opened end.”

By contrast, Barrett is directed to a seal assembly for a centrifugation bottle. (Page 1, lines 4-7). Specifically, Barrett discloses a seal ring and a slip ring that are stacked in a space, or groove, defined by the bottle cap. (Page 3, lines 15-30). The cap is thereafter threaded onto the bottle. (Id.) In particular, the seal assembly 20 is, “disposed in the annular seal chamber E defined between the base of the groove G formed in the underside U of the bottle cap C and the upper end surface F of the neck N of the bottle B. The groove G is defined in the cap C by the downwardly extending flange K and a generally concentric inner wall W extending parallel thereto.” (Page 5, lines 16-33).

Thus, the seal assembly includes four components: a bottle, a cap, a seal member and a slip ring. The seal member and slip ring are simply inserted into a groove formed in the cap. Barrett simply does not disclose the closure assembly claimed by Applicants. However, Applicants’ closure assembly comprises a container, “a handle...; a flange; a hold down ring; a sealing ring; and a bottom support...,” as recited in claim 12. Applicants’ configuration provides a much tighter fit and a superior leakage protection than Barrett’s. The added weight of the additional components maintains a tight fit and allows the hold down ring and the sealing ring to fill out the space defined by the container, the flange and the bottom support.

Further, Barrett’s seal ring and slip ring are placed in a groove in the cap. (Page 3, lines 15-30). In contrast, Applicants’ hold down ring and sealing ring are placed in a space defined by

the container, the flange and the bottom support. Thus, Barrett cannot anticipate the presently claimed invention.

Since each and every element, as set forth in the claim, is not found, either expressly or inherently described as required by the M.P.E.P. Barrett cannot be said to anticipate, each and every element as recited in claim 1. Claims 2-3 depend from independent claim 1. Because claim 1 is believed to be in condition for allowance, claims 2-3 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

Claim 12

For the reasons previously discussed, Barrett does not teach or suggest, at least, *inter alia*, “a bottom support having threads to releasably mate with the handle,” or “wherein the hold down ring and the sealing ring are disposed between the bottom support and the flange,” as recited in claim 12. Claims 13-18 depend from independent claim 12. Because claim 12 is believed to be in condition for allowance, claims 13-18 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 19-22

Claims 19-22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,872,358 to Hagen, *et al.* (hereinafter referred to as “Hagen”). Claim 19 recites, a “means for sealing comprises, a handle having threads; a flange; a hold down ring; a sealing ring; and a

bottom support having threads to releasably mate with the handle wherein the hold down ring and the sealing ring are disposed between the bottom support and the flange.”

By contrast, Hagen is directed to devices for dispensing test strips, where the device has a cover and a base having an air and moisture tight seal. (Col. 4, lines 23-36). Hagen simply does not disclose, a “means for sealing comprises, a handle having threads; a flange; a hold down ring; a sealing ring; and a bottom support having threads to releasably mate with the handle wherein the hold down ring and the sealing ring are disposed between the bottom support and the flange,” as recited in claim 19.

Since each and every element, as set forth in the claim, is not found, either expressly or inherently described as required by the M.P.E.P. Hagen cannot be said to anticipate, “means for sealing comprises, a handle having threads; a flange; a hold down ring; a sealing ring; and a bottom support having threads to releasably mate with the handle wherein the hold down ring and the sealing ring are disposed between the bottom support and the flange,” as recited in claim 19. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 20-22 depend from independent claim 19. Because claim 19 is believed to be in condition for allowance, claims 20-22 are also believed to be in condition for allowance, at least by reason of their dependency. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections 35 U.S.C. §103(a)

Claims 4-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hagen. Claim 4 has been cancelled without prejudice or disclaimer. Claims 5-11 depend from independent claim 1. Because claim 1 is believed to be in condition for allowance, claims 5-11

are also believed to be in condition for allowance, at least by reason of their dependency.

Accordingly, withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that this application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in even better condition for allowance, the Examiner is invited to contact the undersigned attorney at 202-861-1746 in an effort to resolve any matter still outstanding before issuing another action.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87334.5740.

Respectfully submitted,

BAKER & HOSTETLER LLP



Rabiya S. Kader
Reg. No. 48,160

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Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783